

UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

STAN HITCH and ROBERT HITCH, d/b/a)	
CROCKETT CREEK, LLC,)	
)	
Plaintiffs,)	
)	No. 3:11-CV-311
)	(VARLAN/SHIRLEY)
V.)	
)	
C.C.W. PRODUCTS, INC.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and the order of the District Judge [Doc. 15] referring Defendant's Motion to Exclude Plaintiffs' Experts and/or to Extend Defendant's Expert Disclosure Deadline [Doc. 13] to the undersigned for disposition.

In its motion, the Defendant moves the Court to exclude the Plaintiffs' expert witnesses, based upon Plaintiffs' failure to disclose their experts prior to September 7, 2012, the deadline set by the Court. Alternatively, the Defendant asks that its expert disclosure deadline be extended from October 8, 2012, because without knowledge of the testimony of Plaintiffs' proposed experts, the Defendant is unable to properly identify its experts.

The Court has considered the relief requested. The Court will **GRANT IN PART** Defendant's Motion to Exclude Plaintiffs' Experts and/or to Extend Defendant's Expert Disclosure Deadline [**Doc. 13**], as follows:

1. The Court grants the Defendant the requested extension such that Defendant will have up to and including **November 16, 2012**, in which to make its expert witness disclosures;
2. With regard to the Defendant's request to exclude Plaintiffs' experts, the Plaintiffs are ordered to **SHOW CAUSE**, on or before **October 15, 2012**, demonstrating why they should not be excluded from using testimony or affidavits from any expert witnesses in this case, pursuant to Rule 37(c) of the Federal Rules of Civil Procedure; and
3. On or after October 16, 2012, the undersigned will decide whether the Plaintiff is excluded from using testimony or affidavits from any expert witnesses in this case.

All other dates and deadlines in this case – including the trial date of February 3, 2013 – remain unchanged.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge